

Instructions

Notice of Joint Family Claim (Form F1)

This form is for those who want to apply in Supreme Court jointly with their spouse for a divorce, most orders under the Divorce Act and the Family Law Act (including parenting orders, support orders, and orders about property and debt), and name changes. This form gives the court details about you and your spouse, your relationship and separation, and what you're asking the court for. If you apply jointly, you must agree on all the orders you're asking the court to make. If you're filing for a joint divorce, you can ask for other orders that you agree on at the same time, but it's a difficult and longer process. It's better to have these other orders or an agreement in place beforehand.

If you're filling this out on-screen, use the **Tab** key to go from grey field to grey field. This will ensure dates are formatted correctly.

If you print a blank form to fill in by hand and there isn't enough space:

- Open the Word form to add more space on-screen. Put the cursor in a grey box and press **enter/return** to create a new blank line, and print the form again.
- Or write "See attached" on the form and attach a page with the additional text. Clearly label the attachment; e.g., "Attachment to section 4B."

Insert both your full legal names—see your marriage certificate, or your birth certificate if you weren't married. If you usually go by another name, add "also known as." The step-by-step guide [Do your own uncontested divorce](#) has more information, including what to do if you legally changed your name after marrying.

(To add a party, such as a litigation guardian acting on a party's behalf: Hit **enter/return** in the grey box to start a new line, type the role (e.g., "Executor"), and then **Ctrl-Tab** (Mac: **control-tab** or **option-tab**) before the name to centre the cursor.)

You may have to check off more than one box. Either use the date format **dd/Mmm/yyyy (01/Jan/2021)** or hit **Tab** after filling in the date to autoformat.

Fill out #2 if you're applying for a [divorce](#). This is only for those who've been legally married.

Form F1 (Rule 2-2(2))

Court File No.: []
Court Registry: []

In the Supreme Court of British Columbia

Claimant 1: []
Claimant 2: []

NOTICE OF JOINT FAMILY CLAIM

1. Relationship history

Claimant 1 and Claimant 2:

began to live together in a marriage-like relationship on []

were married on []

separated on []

were divorced from each other by order made on []

were never married

2. Divorce

Claimant 1 and Claimant 2 are asking for a divorce order.

Court File No.: When you file your first documents, registry staff will give your case a number. Leave this number blank until then. Once you get a number, use it for all your documents.

Court Registry: e.g., Vancouver. Click [here](#) to find the Supreme Court Registry nearest you.

A. Personal information:

	Claimant 1	Claimant 2
Birthdate:		
<u>Habitually resident in British Columbia since:</u>		
Surname at birth:		
Surname immediately before marriage:		
Marital status immediately before marriage:		
Place of marriage:		

This means "Living in BC since . . ." If you don't know the exact date you started living in BC, estimate.

Either use the date format **dd/Mmm/yyyy (01/Jan/2021)** or hit **Tab** after filling in the date to autoforamt.

Choose either *never married, divorced, or widowed*.

City, province or state, and country.

B. Grounds for claim for divorce:

First box: Usually the grounds for divorce are you've been living separate and apart for a year. If this is the case, check off the the relevant boxes under **(i)**.

OR

Second box: You can also apply for a divorce on the grounds of adultery or physical or mental cruelty **(ii)**. You don't have to live apart for a year for a divorce on these grounds. However, you must present evidence of the adultery or cruelty. This is more complicated, and our [online step-by-step guides](#) don't cover this. Please seek legal advice.

- Divorce is claimed as a result of having lived separate and apart.
- Divorce is claimed on grounds other than having lived separate and apart.
- (i)** Claimant 1 and Claimant 2 have lived separate and apart since

AND

 Claimant 1 and Claimant 2 have not lived together since then
 Claimant 1 and Claimant 2 have lived together again during the following period(s), in an unsuccessful attempt to reconcile:
- (ii)** **Other grounds**, under section 8(2)(b) of the *Divorce Act* (Canada):

AND

 There has been no condonation of any act relied on under section 8(2)(b) of the *Divorce Act* (Canada) as a ground for divorce.

Format the date ranges as "From 1/Jan/2020 to 1/May/2020."

You must check both boxes:

- First box: It's not possible you'll get back together with your spouse.
- Second box: You and your spouse haven't lied or tried to deceive the court in any way, e.g., saying that you've been separated for longer than you have been.

C. Claimant 1 and Claimant 2 confirm that:

- There is no possibility of reconciliation.
- There has been no collusion, as defined in section 11(4) of the *Divorce Act* (Canada), in relation to this claim for divorce.

D. Proof of marriage:

- A certificate of marriage or registration of marriage [redacted] has been filed.
- A certificate of marriage or registration of marriage is not being filed with this notice of joint family claim because [redacted], and the certificate will be filed before this claim is set down for trial or an application is made for an order of divorce.
- It is impossible to obtain a certificate of marriage or registration of marriage because: [redacted]

See [Getting a copy of your marriage certificate.](#)

- First box: You plan to file the marriage certificate with this form. If you're filing a translation from a foreign language, select "and translation" from the drop-down list or add it by hand.
- Second box: You plan to file the marriage certificate in the future. For example, "we are waiting for the certificate to come from another country." You'll also have to give a good reason why you're filing this claim without a marriage certificate.

Children of the marriage

= under 19, or 19 or over but you're still supporting them because they're in school or they have an illness or disability that prevents them from becoming independent. Check the first box if your children are over 19, working full-time, self-supporting, and living independently.

- If the children live part-time with each parent, mention this.
- If you have more than five children, place the cursor in the bottom right-hand cell of the table and hit **Tab** to create a new row.

3. Information concerning children

A. Children:

- There are no children of the marriage, as defined by the *Divorce Act* (Canada), or children of whom Claimant 1 and Claimant 2 are parents within the meaning of the *Family Law Act*.
- There are children of the marriage, as defined by the *Divorce Act* (Canada), or children of whom Claimant 1 and Claimant 2 are parents within the meaning of the *Family Law Act*, and those children are:

Full name	Birth date	Resides with
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

- Third box: For example, you married in a country where marriage certificates aren't commonly issued because of religious or traditional practices. But the marriage was conducted according to that country's laws and is recognized as a valid marriage. If this box applies, please get legal advice.

This section is if there are children you're asking for orders about.

A. Include who the children will live with and when, and who'll make decisions about the children. [Parenting apart](#) will help you with the words to use and the concepts behind them. Describe how children spend time with people who aren't parents or guardians, if necessary.

E.g.: "The claimants will share parenting time of the children, [name(s)], equally. The children spend one week with Claimant 1 and then one week with Claimant 2. We each make day-to-day decisions about the children when they're with us. We share all major decision-making."

4. Orders asked for in relation to children

- A.** Claimant 1 and Claimant 2 are asking for the following order respecting arrangements for parenting or contact:
[redacted]
- B.** Claimant 1 and Claimant 2 are asking for an order for child support as follows:
[redacted]
- C.** Claimant 1 and Claimant 2 are asking for the orders under paragraphs A and B of this section under the following statute(s):
 the *Divorce Act* (Canada) the *Family Law Act*

B. Include who'll pay the child support, the amount of support, and when it'll be paid. See [Child support](#), which explains how much would be paid under the Federal Child Support Guidelines, and what **special or extraordinary expenses** are.

C. Decide which law you're asking for your order for parenting arrangements and child support under. If you didn't marry, you should use the Family Law Act. If you're married, you have a choice. [Which laws can you use for your family law issue?](#) and [Parenting apart](#) explain the difference between the two laws.

Fill out #5 if you're asking the court to make an order for spousal support—payments to support *you*, not the children. See [Spousal support](#) for more information. Spousal support orders are often made according to the federal Spousal Support Advisory Guidelines. Include who's paying the spousal support, the amount of support, when it's paid, and when the payments will stop.

Fill out #6 if you're asking the court for any order that has to do with property and debts. The BC Family Law Act says that all **family property** and **family debt** must be divided equally between you and your spouse after you separate unless you have an agreement that says otherwise. See [Dividing property and debts after you separate](#) and [Dealing with debts after you separate](#).

This section is for property claims not covered by the Family Law Act—property that's *not* family property. This includes:

- *excluded property*, such as gifts or inheritances your spouse received while you were together and property they already owned when you moved in together
- property owned by a third party
- property you're claiming on the basis of *unjust enrichment* (a legal concept used when you're not entitled to get a share of the property under the Family Law Act)

You can ask for an **interest in the property** (part ownership) or **compensation** (money). If the property is real estate, provide the legal description—from your tax assessment or your state of title certificate.

5. Spousal support

- Claimant 1 and Claimant 2 are asking for an order for spousal support as follows:
[REDACTED]
- Claimant 1 and Claimant 2 are asking for an order for spousal support under
- the *Divorce Act* (Canada) the *Family Law Act*

6. Property and debt

A. Property claims under the *Family Law Act*

- Claimant 1 and Claimant 2 are asking for an order for:
- an equal division of family property and family debt
- an unequal division of family property and family debt, as follows:
[REDACTED]

B. Other property claims

- Claimant 1 and Claimant 2 ask for an order respecting an interest in property or for compensation instead of an interest in that property, as follows:
[REDACTED]

Decide which law you're asking for your order for spousal support under. If you didn't marry, you should use the Family Law Act. If you're married, you have a choice. [Which laws can you use for your family law issue?](#) explains the difference between the two laws.

Check either box. The court will only order an *unequal* division when an *equal* division is **significantly unfair**.

For property claims, the court will need a lot of information if you're filing for an undefended (uncontested) divorce, especially if there are children involved. It's a good idea to attach a detailed separation agreement to the Affidavit — Desk Order Divorce (Form F38) ([step 4](#)). If you can't agree on all the orders, you can't file jointly and one party must file a Notice of Family Claim (F3) instead.

Fill out #7 if you're asking the court for any other orders, including name changes and annulments. You don't need to ask for a legal change of name if you're just going back to the last name you used before marriage.

7. Other

Claimant 1 and Claimant 2 are asking for an order in the following terms:

8. Claimants' addresses for service

A mailing address that's not a PO box where you can regularly receive mail so that you and the other person can send court documents to each other if you need to. It can be your lawyer's office if you have a lawyer.

The other person may send you court documents by fax or email instead if you add this optional information.

Claimant 1:	Claimant 2:
_____	_____
Fax (optional) _____	Fax (optional) _____
E-mail (optional) _____	E-mail (optional) _____

If the court registry is more than 30 km away, you must also list an email address, fax number, or PO box (in addition to your street address).

Date of signature: Use the date format **dd/Mmm/yyyy (01/Jan/2021)**, or hit **Tab** after filling it in to autoformat.

If you have a lawyer, they'll sign the document. Otherwise, check off "Claimant." The signatures can't be separate from the rest of the form, so lines from the preceding paragraph will automatically move to this page.

Date: _____
 Signature of Claimant 1 Lawyer for Claimant 1

 [Type or print name]

Date: _____
 Signature of Claimant 2 Lawyer for Claimant 2

 [Type or print name]

If you're asking for an order under the Family Law Act and one or both of you have a lawyer, they'll have to sign this (one certificate for each lawyer). It says that they've talked to you about different ways to resolve your dispute (e.g., mediation). If you don't have a lawyer, leave this blank.

If in this family law case a claim is made under the *Family Law Act* and one or both of the parties is represented by a lawyer, each of the lawyers must complete a certificate in the following form.

LAWYER'S CERTIFICATE
(FAMILY LAW ACT, S. 8(2))

I, _____, lawyer for _____, certify that, in accordance with section 8(2) of the *Family Law Act*, I have

- (a) discussed with the party the advisability of using various types of family dispute resolution to resolve the matter, and
- (b) informed the party of the facilities and other resources, known to me, that may be available to assist in resolving the dispute.

Date: _____

Signature of lawyer

[Type or print name]

If in this family law case a claim is made under the *Family Law Act* and one or both of the parties is represented by a lawyer, each of the lawyers must complete a certificate in the following form.

LAWYER'S CERTIFICATE
(FAMILY LAW ACT, S. 8(2))

I, _____, lawyer for _____, certify that, in accordance with section 8(2) of the *Family Law Act*, I have

- (a) discussed with the party the advisability of using various types of family dispute resolution to resolve the matter, and
- (b) informed the party of the facilities and other resources, known to me, that may be available to assist in resolving the dispute.

Date: _____

Signature of lawyer

[Type or print name]

For Claimant 2's lawyer to fill out.

If you're applying for a divorce or for an order under the Divorce Act, you and your spouse each have to fill out a party's certificate.

The following certificate must be completed by each party to a divorce claim.

PARTY'S CERTIFICATE
(DIVORCE ACT (CANADA), S. 7.6)

- By checking this box, I, [REDACTED], certify that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act* (Canada), which say:
- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
 - 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
 - 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
 - 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
 - 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

The following certificate must be completed by each party to a divorce claim.

For Claimant 2 to fill out.

PARTY'S CERTIFICATE
(DIVORCE ACT (CANADA), S. 7.6)

- By checking this box, I, [REDACTED], certify that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act* (Canada), which say:
- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
 - 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
 - 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
 - 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.

7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

The following certificate must be completed for each party to a divorce claim who is represented by a legal adviser.

If you're applying for a divorce or for an order under the Divorce Act, and you have a legal adviser (e.g., a lawyer), they'll have to fill this out (one certificate for each legal adviser). It says that they've talked to you about different ways to resolve your dispute (e.g., mediation). If you don't have a legal adviser, leave this blank.

LEGAL ADVISER'S CERTIFICATE
(DIVORCE ACT (CANADA), S. 7.7(3))

By checking this box, I, _____, legal adviser for _____, certify that I have complied with section 7.7 of the *Divorce Act* (Canada), which says:

- 7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding
- (a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and
 - (b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.
- (2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act
- (a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;
 - (b) to inform the person of the family justice services known to the legal adviser that might assist the person
 - (i) in resolving the matters that may be the subject of an order under this Act, and
 - (ii) in complying with any order or decision made under this Act; and
 - (c) to inform the person of the parties' duties under this Act.

For Claimant 2's legal
adviser to fill out.

The following certificate must be completed for each party to a divorce claim
who is represented by a legal adviser.

LEGAL ADVISER'S CERTIFICATE
(DIVORCE ACT (CANADA), S. 7.7(3))

By checking this box, I, _____, legal adviser for
_____, certify that I have complied with
section 7.7 of the *Divorce Act* (Canada), which says:

- 7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding
- (a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and
 - (b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.
- (2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act
- (a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;
 - (b) to inform the person of the family justice services known to the legal adviser that might assist the person
 - (i) in resolving the matters that may be the subject of an order under this Act, and
 - (ii) in complying with any order or decision made under this Act; and
 - (c) to inform the person of the parties' duties under this Act.